



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tomoko MORITA et al.

Group Art Unit: 2673

Appl. No. : 10/069,526

Examiner: J. Nguyen

Filed : March 6, 2002

Confirmation No. 4567

For : DISPLAY DEVICE AND DISPLAY METHOD

RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

ELECTION

In response to the Examiner's restriction requirement of July 1, 2005, in which the one month shortened statutory period for responding thereto runs to August 1, 2005, Applicants elect, with traverse, Species I, illustrated in Fig. 2. Applicants submit that claims 1, 2, 8, 9, 15, 16, 22, 23, 25, 26, 31, 32, 34 and 35 are readable on the elected species.

TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement.

According to M.P.E.P. §1893.03(d), when making a lack of unity of invention restriction, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. Applicants submit that the Examiner has failed to specifically describe the unique special technical feature in each group to explain why each group lacks unity with each other group, as required by part (2), above. Instead, the Examiner merely states that “they are not so linked as to form a single inventive concept”. Applicants submit that such a general statement fails to comply with the “specifically describing” requirement set forth in M.P.E.P. §1893.03(d).

M.P.E.P. §1893.03(d) also specifies that a group of inventions will be considered to be linked to form a single inventive concept where there is a technical relationship among the inventions that involves at least one common corresponding special technical feature. In this regard, as noted above, claims 1, 2, 8, 9, 15, 16, 22, 23, 25, 26, 31, 32, 34 and 35 are elected. Thus, should the restriction requirement be maintained, claims 3-7, 10-14, 17-21, 24, 27-30, 33 and 36-39 will be withdrawn. Applicants submit that the withdrawn claims are directed to at least one common corresponding special technical feature, as each of the withdrawn claims are dependent claims that further clarify features recited in each respective elected independent claim.

In view of the above, Applicants submit that all the claims in the application are linked to form a single inventive concept, and thus, all the claims should be examined. Thus, Applicants respectfully request that the Examiner withdraw the restriction requirement and examine all the pending claims.

Applicants further note that no restriction was set forth in International Application No. PCT/JP2001/05859, which was the International Application from which the present National Stage application is based. Accordingly, Applicants submit that at least one International Examiner considered the issue of lack of unity and concluded that the claims are so linked as to form a single inventive concept. Accordingly, Applicants submit that an additional ground exists for concluding that the restriction requirement should be withdrawn.

For all of the foregoing reasons, Applicants respectfully request the restriction requirement be reconsidered and withdrawn. Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
Tomoko MORITA et al.

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

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August 1, 2005
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